

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JACOB COLE and JENNIFER
CARNWRIGHT HIBBERT, as parents
and natural guardians of Levi Cole,
deceased, and as Co-Administrators of
the Estate of Levi Cole,

Plaintiffs,

v.

BRIAR JENKINS and TROY
BOROUGH,

Defendants.

No. 4:21-CV-1779

(Chief Judge Brann)

ORDER

AND NOW, this 17th day of June 2022, in accordance with the accompanying
Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss (Doc. 9) is **GRANTED WITH PREJUDICE** as to Counts I, II, and III of Plaintiffs' Amended Complaint (Doc. 8).
2. Defendants' motion to dismiss (Doc. 9) is **GRANTED WITHOUT PREJUDICE** as to Count IV of Plaintiffs' Amended Complaint (Doc. 8).
3. Plaintiffs may file a Second Amended Complaint no later than July 1, 2022.

4. This Second Amended Complaint may only include 42 U.S.C. § 1983 claims against Troy Borough.
5. This Second Amended Complaint may not include 42 U.S.C. § 1983 claims against Defendant Briar Jenkins or state-law negligence claims.
6. If Plaintiffs do not file a Second Amended Complaint on or before July 1, 2022, their § 1983 claims against Troy Borough will be subject to dismissal with prejudice.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge